**In the High Court of Justice, Family Division**



**No: [*Case number*]**

**[The Children Act 1989] /**

**[The Senior Courts Act 1981] /**

**[The Inherent Jurisdiction of the High Court] /**

**[Council Regulation (EC) No. 2201/2003]**

**(delete or adapt as appropriate)**

**The child[ren]**

**[*Name of child*] [Girl] / [Boy] [*dob dd/mm/yy*]**

**[*Name of child*] [Girl] / [Boy] [*dob dd/mm/yy*]**

After hearing [*name the advocate(s) who appeared*]

After consideration of the documents lodged by the applicant

After reading the statements and hearing the witnesses specified in paragraph [*para number*] of the Recitals below

After the making of a [Collection] / [Location] / [Passport] Order, the court being satisfied that such order was necessary and proportionate having regard to the risks assessed to exist on the evidence

**ORDER MADE BY [*NAME OF JUDGE*] ON [*DATE*] SITTING IN [OPEN COURT] / [PRIVATE]**

**IMPORTANT WARNING TO [*RESPONDENT NAME*] OF [*RESPONDENT ADDRESS*]**

**If you [*respondent name*] disobey this order you may be held to be in contempt of court and may be imprisoned, fined or have your assets seized.**

**If any other person who knows of this order and does anything which helps or permits you [*respondent name*] to breach the terms of this order they may be held to be in contempt of court and may be imprisoned, fined or have their assets seized.**

You have the following legal rights:

* 1. to seek legal advice. This right does not entitle you to disobey any part of this order until you have sought legal advice.
  2. to require the applicant's solicitors, namely [*applicant firm name*], (ref: [*applicant firm reference*], tel: [*applicant firm phone*], email: [*applicant firm email*]) to provide you with a copy of any application form[s], affidavit[s], note of the hearing and a note of oral evidence referred to in paragraph [*para* *number*] (below);
  3. to apply, whether by counsel or solicitor or in person, to the Urgent High Court Applications’ Judge at the Royal Courts of Justice, Strand, London, if practicable after giving notice to the applicant’s solicitors and to the court, for an order discharging or varying any part of this order. This right does not entitle you to disobey any part of this order until your application has been heard.
  4. if you do not speak or understand English adequately, to have an interpreter present in court at public expense in order to assist you at the hearing of any application relating to this order.

**The parties**

1. The applicant is [*applicant name*] (represented by [*applicant firm name*])

The respondent is [*respondent name*]

**(Specify any additional respondents)**

**(Specify if any adult party acts by a litigation friend)**

**(Specify if the children or any of them act by a children’s guardian)**

1. Unless otherwise stated, a reference in this order to ‘the respondent’ means all of the respondents.

**Definitions**

1. The Tipstaff is the enforcement officer of the High Court at the Royal Courts of Justice. [He] / [She] has a deputy and assistants and can authorise police officers to act on [his] / [her] behalf. Any obligation to give information to the Tipstaff or to hand over a document to [him] / [her] includes an obligation to do so to [his] / [her] deputy or assistant or a police officer acting on [his] / [her] behalf.
2. A [Collection] / [Location] / [Passport] / [*insert other as applicable*] Order is an order directed to the Tipstaff authorising [him] / [her] to take steps to [collect the child] / [to locate the respondent and thereafter to seize any passport or other travel documents from them] / [seize any passport or other travel document held by the respondent as applicable].

**Recitals**

1. This order was made at a hearing without notice to the respondent. The reason why the order was made without notice to the respondent is because
   1. [*insert reasons identifying (i) exceptional urgency; or (ii) why the child’s welfare would have been compromised if the respondent had been alerted in advance; or (iii) that the whereabouts of the child and respondent are unknown*].
2. The judge read the following documents:
   1. [*insert*]
3. [The judge heard the following oral evidence:]
   1. [*insert*]
4. The court was satisfied and declared on a provisional basis on the basis of the evidence filed that:
   1. The child[ren] [was] / [were] on [*date of removal or retention*] and remained on [*date of commencement of proceedings*] habitually resident in the jurisdiction of England and Wales;
   2. The child[ren] [was] / [were] wrongfully [removed from England] / [retained outside the jurisdiction of England] on [*date*]; and
   3. The courts of England and Wales have primary jurisdiction in matters of parental responsibility over the child[ren] pursuant to Articles [8] [10] of BIIR.

**Undertakings to the court by the applicant (delete or supplement as appropriate)**

1. The applicant undertakes:
   1. Not to remove the child[ren] from the care of the respondent until further order of this court.

**Undertakings to the court by the solicitors for the applicant**

1. The solicitors for the applicant undertake:
   1. To issue these proceedings forthwith and in any event by no later than [*date*];
   2. To pay the *ex parte* application fee forthwith and in any event by no later than [*date*];
   3. To serve these proceedings on the respondent at the earliest available opportunity, but subject to execution of the Tipstaff [Collection] / [Location] / [Passport] Order.

**Mediation**

1. At the hearing listed below the applicant and the respondent shall each be given an opportunity (that day or on another day to be fixed) to make contact (whether in person, by telephone or otherwise) separately with the court based mediator to discuss the possibility of the parties engaging in mediation under the Child Abduction Mediation Scheme or through another non- court dispute resolution procedure and, where appropriate, to undertake a screening interview.

**AND NOW THEREFORE THIS HONOURABLE COURT RESPECTFULLY REQUESTS:**

1. Any person not within the jurisdiction of this Court who is in a position to do so to co-operate in assisting and securing the immediate return to England and Wales of the Ward child[ren].

**IT IS ORDERED THAT:**

1. The child[ren] [is] / [are] and shall remain [a] Ward[s] of this court during their minority or until further order.
2. The respondent shall return child[ren] forthwith to England and Wales.
3. Every person within the jurisdiction of this Honourable Court who is in a position to do so shall co-operate in assisting and securing the immediate return to England and Wales of the child[ren], Ward[s] of this court.
4. The applicant’s solicitors shall fax copies of this order to the Office of the Head of International Family Justice at the Royal Courts of Justice, The Strand, London WC2A 2LL, United Kingdom (DX4450 Strand RCJ; fax 00 44 207 947 6408) [and to the Head of the Consular Division, Foreign and Commonwealth Office, Spring Gardens, London, SW1A 2PA, tel: 00 44 207 008 0212, fax: 00 44 207 008 0152].
5. The matter shall be listed for directions [within 7 days of the return of the child[ren] to England and Wales] / [at 10:30 on [*date*]], when the court shall consider what further orders shall be made. The court may consider making declarations in the terms of paragraph [9] / [para number] above.
6. **(amend as necessary)** The respondent shall attend at the hearing listed pursuant to the preceding paragraph, together with solicitors and/or counsel if so instructed.
7. [HMCTS shall arrange for the attendance at the hearing provided for above an interpreter who speaks the language and dialect of the respondent.]
8. **(insert if appropriate)** The child[ren] shall be joined as [a party] / [parties] to the proceedings pursuant to rule 16.2 of the Family Procedure Rules 2010. An officer of the Cafcass High Court Team shall be appointed as Children’s Guardian. The applicant’s solicitors shall forthwith send a copy of this order and the court bundle to the Cafcass High Court Team.
9. [*Insert particulars as to service of this order*]
10. Costs be reserved.

Dated [*date*]

**Notice pursuant to PD 37A para 2.1**

You [*applicant name*] may be sent to prison for contempt of court if you break the promise that have been given to the court

**Statements pursuant to PD 37A para 2.2(2)**

I understand the undertakings that I have given, and that if I break any of my promises to the court I may be sent to prison for contempt of court

[*applicant name*] [signed on [his] / [her] behalf by [*applicant firm name*]]

**Notice pursuant to PD 37A para 2.1**

The firm of solicitors [*applicant firm name*] may be fined or sent to prison for contempt of court if the promise that have been given to the court is broken

**Statements pursuant to PD 37A para 2.2(2)**

I understand the undertakings that I have given, and that if I break any of my promises to the court I may be sent to prison for contempt of court

[*applicant solicitor name*] [on behalf of [*applicant firm name*]]